

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BERNICE K. PETERS,

Plaintiff,

v.

CASE NO. 14-CV-11388  
HONORABLE GEORGE CARAM STEEH

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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ORDER ACCEPTING MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATION (DOC. 14), GRANTING IN PART AND  
DENYING IN PART PLAINTIFF'S MOTION FOR SUMMARY  
JUDGMENT (DOC. 11), DENYING DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT (DOC. 13) AND REMANDING ACTION

Plaintiff brought this action challenging defendant Commissioner of Social Security's denial of her claim for social security disability benefits. Before the court are the parties' cross-motions for summary judgment, which were referred to the magistrate judge for a report and recommendation. On March 31, 2015, Magistrate Judge David Grand issued his report, recommending that defendant's motion be denied, and plaintiff's motion be granted in part to the extent it seeks remand, and denied in part to the extent it seeks an award of benefits, and that this matter be remanded for further administrative proceedings and proper consideration of the treating-physician rule pursuant to sentence four of 42 U.S.C. § 405(g).

The magistrate judge specifically stated that any objections to his report were to be filed within 14 days of service, and that failure to file such objections constituted a waiver

of any further right to appeal. See *Thomas v. Arn*, 474 U.S. 140, 155 (1985). No such objections were filed by either party and the time period for doing so has expired.

The court has reviewed the record and briefing in this matter, as well as the magistrate judge's report and recommendation, and adopts the result recommended therein. Accordingly, plaintiff's motion for summary judgment (Doc. 11) is GRANTED IN PART in that this matter is REMANDED pursuant to 42 U.S.C. § 405(g) for further administrative proceedings and proper consideration of the treating-physician rule, and is DENIED IN PART to the extent plaintiff seeks an award of benefits. Defendant's motion for summary judgment (Doc. 13) is DENIED.

IT IS SO ORDERED.

Dated: April 23, 2015

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on  
April 23, 2015, by electronic and/or ordinary mail.

s/Marcia Beauchemin  
Deputy Clerk